

EXHIBIT A

By *Julien Reyes*
 2022-0500 -NI
 2022

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN
 JUDICIAL DISTRICT
 29th JUDICIAL CIRCUIT
 COUNTY PROBATE

SUMMONS

CASE NO.
 2022-0500 -NI
 PETITION NO.

Court address

214 E. Center Street, Ithaca, MI 48847

Court telephone no.

(989) 875-5224

Plaintiff's name(s), address(es), and telephone no(s).

DONALD LANCE and DARLENE LANCE
 c/o 155 W. Congress, Suite 350
 Detroit, Michigan 48226
 (313) 961-0425

Plaintiff's attorney, bar no., address, and telephone no.

JOSEPH F. LUCAS (P29595)
 Skupin & Lucas, P.C.
 155 W. Congress, Suite 350
 Detroit, Michigan 48226
 (313) 961-0425

Defendant's name(s), address(es), and telephone no(s).

SOUTHERN HEAVY HAUL, INC.
 1015 Santo Tomas St.
 Laredo, Texas 78045
 (956) 417-2663

22251 Mines Rd.
 Laredo, TX 78045-7912
 (956) 718-3002

FILED

APR 04 2022

29th CIRCUIT
 GRATIOT COUNTY

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. Attached is a completed case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☐ this court, ☐ _____ Court, where it was given case number _____ and assigned to Judge _____.
- The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or to take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 4-04-2022	Expiration date* 7-04-2022	Court clerk <i>Angie Thompson</i>
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF GRATIOT

DON LANCE and
DARLENE LANCE,

Plaintiffs,

vs.

Case No. 2022-0500-NI

ALONZO ALEJANDRO, and
SOUTHERN HEAVY HAUL, INC.,

Hon. Cori E. Barkman

Defendants.

JOSEPH F. LUCAS (P29595)
Skupin & Lucas, P.C.
Attorneys for Plaintiff
155 W. Congress, Suite 350
Detroit, Michigan 48226
(313) 961-0425

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

FIRST AMENDED COMPLAINT AND JURY DEMAND

NOW COME Plaintiffs, Don Lance and Darlene Lance, by and through their attorneys, Skupin & Lucas, P.C., and for their first amended complaint against the Defendants, Alonzo Alejandro and Southern Heavy Haul, Inc., state:

JURISDICTIONAL ALLEGATIONS

1. Plaintiff, Don Lance, is a resident of the City of Alma, County of Gratiot, State of Michigan.
2. Plaintiff, Darlene Lance, is the spouse of Don Lance and also resides in the City of Alma, County of Gratiot, State of Michigan.
3. Defendant, Alonzo Alejandro, is a resident of the City of Uvalde, County of Uvalde, State of Texas.
4. Defendant, Southern Heavy Haul, Inc., is an interstate carrier operating under USDOT no. 2349930 and is a Texas corporation with its principal place of business at 1015 Santo Tomas Street, Laredo, Texas 78045.
5. The accident giving rise to this cause of action occurred on September 17, 2020, in the County of Luce, State of Michigan.
6. The amount in issue is in excess of Twenty-Five Thousand (\$25,000.00) Dollars and is otherwise within the jurisdiction of this Court.

FACTUAL ALLEGATIONS

7. On September 17, 2020, Don Lance was stopped on the shoulder of the road facing east on M-28 near County Road 393 in Pentland Township, Michigan.
8. At that time, Defendant, Southern Heavy Haul, Inc., was the owner of a 2020 KW truck, being VIN number 1XK1D49X3LJ388344 and bearing Texas license plate number R431692; the vehicle was being operated by Defendant, Alonzo Alejandro, with the knowledge and consent of Defendant Southern Heavy Haul, Inc..
9. Defendant was hauling a "wide load" travelling in an eastbound direction on M-28 when his vehicle side-swiped the stopped vehicle of Plaintiff, Don Lance, and striking him.

10. As a proximate result of this motor vehicle accident, Plaintiff Don Lance sustained serious personal injury, including a shoulder injury and the aggravation of a pre-existing cardiac condition and also incurred great pain and suffering.

COUNT I

(NEGLIGENCE)

11. Plaintiffs hereby incorporate by reference each and every allegation set forth above as though fully set forth herein, paragraph by paragraph and word for word.

12. At all relevant times, Defendant Alonzo Alejandro was under an obligation, pursuant to the statutes and regulations of the State of Michigan to operate his vehicle in a safe and prudent matter and to avoid striking other parked vehicles.

13. In breach of these duties, Defendant committed the following acts which proximately caused Plaintiff's injuries, including:

- (a) travelling at an excessive rate of speed given the traffic conditions;
- (b) failing to maintain a proper look-out for vehicles in his path of travel; and,
- (c) such other acts of negligence that shall become known through discovery.

14. As a proximate result of these breaches, Plaintiff has been caused to suffer personal injury, disability and medical expenses.

WHEREFORE Plaintiffs pray that this Honorable Court will enter judgment in their favor and against the Defendants in an amount in excess of Twenty-Five Thousand (\$25,000.00) Dollars, including costs, interest and attorney fees.

COUNT II

(OWNERSHIP LIABILITY)

15. Plaintiff hereby incorporates by reference each and every allegation set forth above as though fully set forth herein, paragraph by paragraph and word for word.

16. At all times pertinent, the vehicle operated by Defendant Alejandro was owned by Defendant Southern Heavy Haul, Inc. and was operated by him with its knowledge and consent.

17. Pursuant to Michigan statute, MCL 257.401, as the registered owner of the vehicle, Defendant Southern Heavy Haul, Inc. is liable for the negligence of its permissive user.

WHEREFORE Plaintiffs pray that this Honorable Court will enter judgment in their favor and against the Defendants in an amount in excess of Twenty-Five Thousand (\$25,000.00) Dollars, including costs, interest and attorney fees.

COUNT III

(CONSORTIUM)

18. Plaintiff hereby incorporates by reference each and every allegation set forth above as though fully set forth herein, paragraph by paragraph and word for word.

19. At all relevant times, Plaintiff Darlene Lance was the legal spouse of Don Lance and has sustained a loss of consortium proximately caused by the injuries to Don Lance.

WHEREFORE Plaintiffs pray that this Honorable Court will enter judgment in their favor and against the Defendants in an amount in excess of Twenty-Five Thousand (\$25,000.00) Dollars, including costs, interest and attorney fees.

Respectfully submitted,

SKUPIN & LUCAS, PC.

By: 

JOSEPH F. LUCAS (P29595)
Attorneys for Plaintiff
155 W. Congress, Suite 350
Detroit, Michigan 48226
(313) 961-0425

Dated: April 6, 2022

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF GRATIOT

DON LANCE and
DARLENE LANCE,

Plaintiffs,

vs.

Case No. 2022-0500-NI

ALONZO ALEJANDRO, and
SOUTHERN HEAVY HAUL, INC.,

Hon. Cori E. Barkman

Defendants.

_____/

JOSEPH F. LUCAS (P29595)
Skupin & Lucas, P.C.
Attorneys for Plaintiff
155 W. Congress, Suite 350
Detroit, Michigan 48226
(313) 961-0425

JURY DEMAND

NOW COME Plaintiffs, Don and Darlene Lance, by and through their attorneys,
Skupin & Lucas, P.C., and herewith make demand for trial by jury.

Respectfully submitted,

SKUPIN & LUCAS, P.C.

By: /s/ Joseph F. Lucas

JOSEPH F. LUCAS (P29595)
Attorneys for Plaintiff
155 W. Congress, Suite 350
Detroit, Michigan 48226
(313) 961-0425

Dated: April 6, 2022

PROOF OF SERVICE**SUMMONS**

Case No. 2022- 0500

-NI

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order of second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☒ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A], and that: (notarization required)

☐ I served personally a copy of the summons and complaint,

☒ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and/complaint,

First Amended

together with Jury Demand

List all documents served with the Summons and Complaint

on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time
Southern Heavy Haul, Inc.	22251 Mines Rd. Laredo, Texas 78045-7912	

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature

Jennifer Embry

Name (type or print)

Legal Assistant

Title

Subscribed and sworn to before me on _____, Wayne County, Michigan.

Date

My commission expires: 01/18/2028 Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of Wayne

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with

Attachments

on

Day, date, time

on behalf of

Signature